

REMARKS**I. Status of the Application**

Claims 1-20 are pending in this application. In the July 2, 2008 office action, the Examiner:

A. Rejected claims 1, 2, 4, 7, 14-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0023874 to Prokupets et al. (“Prokupets”) in view of U.S. Patent No. 5,815,664 to Asano (“Asano”);

B. Rejected claims 3 and 8-13 under 35 U.S.C. §103(a) as being unpatentable over Prokupets et al in view of Asano and further in view of U.S. Patent Publication No. 2006/0114842 to Miyamoto et al. (“Miyamoto”) in further view of U.S. Patent No. 6,144,736 to Koenig et al. (“Koenig”);

C. Rejected claims 5-6 and 20 under 35 U.S.C. §103(a) as being unpatentable over Prokupets et al. in view of Asano in further view of Miyamoto et al.; and

D. Rejected claims 18-19 under 35 U.S.C. §103(a) as being unpatentable over Prokupets in view of Asano in further view of Koenig et al.

In this response, applicants respectfully traverse the rejections of the claims and request reconsideration in view of the following remarks.

II. Obviousness Rejection of Claim 1

Claim 1 stands rejected as allegedly being rendered obvious over Prokupets in view of Asano. As will be discussed below in detail, there is no legally sufficient motivation or

suggestion to combine Prokupets and Asano as proposed by the Examiner. Alternatively, the proposed combination does not arrive at the claimed invention. As a consequence, it is respectfully submitted that the obviousness rejection of claim 1 should be withdrawn.

A. Present Invention

Claim 1 is directed to a data transmission system for a facility that includes first and second networks. The first network includes a number of critical devices disposed within the facility and at least one first computer workstation operably coupled to said number of critical devices via said first network. The second network includes at least one second computer workstation and an isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network, the isolating router comprising a router configured to receive and store data packets, and to forward the received data packets.

B. Prokupets

Prokupets is directed to a system for integrating security and access for facilities and information systems. As shown in Fig. 1, the Prokupets system shows an access control system, a surveillance system, a fire system and an intrusion detection system all connected via a network to a security server. (See Prokupets at Abstract and Fig. 1).

C. Asano

Asano is directed to an address reporting arrangement and method for detecting authorized and unauthorized addresses in a network environment. Asano addresses problem problems arising from a host computer having an authorized address trying to communicate with a host having an unauthorized address on another network. (See, e.g., Asano at col. 2, lines 53-59). It is the object of Asano to enable a host having an authorized address to respond to a request from a host having an unauthorized address. (*Id.* at col. 4, lines 26-38).

D. The Proposed Combination

In the July 2, 2008 office action, the Examiner admits that Prokupets fails to teach the claimed router. (July 2, 2008 office action at p.3). The Examiner addresses the shortcoming of Prokupets with respect to the router by citing teachings of Asano. The Examiner stated that it would have been obvious to modify the apparatus of Prokupets to include “an isolating router that processes packets as taught by Asano in order to selectively enable communication between different networks (Asano: col.4, lines 25-33).” (*Id.*)

E. The Proposed Combination does not Arrive at an the Isolating Router
Coupling
a First Network to a Second Network and Operable to Isolate the First
Network From Data Transmission Traffic in the Second Network Device

While the Examiner cited Asano as teaching the use of a router, the Examiner has not identified with particularity how that router would be used in the system of Prokupets. Thus, the Examiner has not identified a combination that arrives the invention. In particular, the Examiner asserts the claimed first network is element 22c of Prokupets. (July 2, 2008 office

action at p.3). However, element 22c of Prokupets is a “fire system”. (See Prokupets at Fig. 1 and ¶ [0024]). The fire system 22c of Prokupets is not a network, and the only network that appears to connect to the “fire system 22c” of Prokupets is the network 20. As a result, it is not clear whether the Examiner is alleging that the network 20 constitutes the first network. However, as no other network is mentioned in relation to the fire system 22c, and the Examiner has provided no other information, it is assumed that the Examiner is alleging that the first network is the network 20.

The Examiner further appears to assert that the claimed “critical devices” are the devices of the fire system 22c of Prokupets. The Examiner also states that the claimed first computer workstation is the server 12 of Prokupets. (July 2, 2008 office action at p.3). This interpretation appears to be correct, as the server 12 (first workstation) is connected to the critical devices (fire system 22c) via the first network (network 20), as per claim 1.

However, the Examiner then states that the second network including a second workstation is element 20 of Prokupets. This network 20 is, however, the first network and therefore cannot constitute the second network. Moreover, the Examiner has not identified any second workstation. It is possible that the client 30 of Prokupets could be the second workstation, but the Examiner has not identified it as such.

Accordingly, the Examiner appears not to have identified a first network or a second workstation. Admittedly, Fig. 1 of Prokupets has plenty of workstations. However, all of them appear to be connected to the network 20. Therefore, without identifying elements such as the second workstation and second network, it is not possible to clearly articulate how the router of Asano would be inserted into the system of Fig. 1 of Prokupets.

Moreover, the Examiner does not identify with particularity how Prokupets would be modified, other than to “include an isolating router”. The Examiner does not identify where the isolating router would be implemented. Further, because it is not clear what constitutes the claimed “first network” of Prokupets, one cannot speculate where such a router would be implemented. For example, it is possible that the Examiner intended that the router of Asano would be used between the fire system 22c and the network. However, nothing in Prokupets suggests that the fire system 22c uses an IP network, and therefore could even employ a router.

As a consequence, it is respectfully submitted that merely including a router in the system of Asano does not arrive at the claimed invention. In particular, such inclusion, without more would not constitute “an isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network, the isolating router comprising a router configured to receive and store data packets, and to forward the received data packets”, as called for in claim 1.

F. No Reason to Modify the Device of
Prokupets to Include the Position Sensor of Asano

Even if the proposed modification did arrive at the claimed invention, the Examiner has not provided a clearly articulated and legitimate reason for making the proposed modification.

As best understood, the Examiner is alleging that it would be obvious to include an isolating router “in order to selectively enable communication between different networks”. (July 2, 2008 office action at p.3).

However, there is no reason to “selectively enable communication between different networks”. All communication in Prokupets appears to occur through the network 20. There does not appear to be separate networks in Prokupets through which communication can occur. As a consequence, one of ordinary skill in the art would not include an isolating router in Prokupets to “selectively enable communication between different networks”.

Even if there were two communication networks in Prokupets, nothing in either Prokupets or Asano suggests that these separate networks should be connected by a router, as opposed to a node that connects at another layer of the ISO protocol. To this end, it is noted that Asano does not stand for the proposition that a router should be used where a connection between networks is required. Instead, Asano teaches an address reporting device that may be used in situations in which a router is *already* implemented. (See, e.g. Asano background at col. 2, lines 10-32). Nothing in Asano teaches that a router is an advantageous way to connect *any* two networks. For example, if the two networks do not share physical characteristics (e.g. if both are not Ethernet), then a router cannot connect the networks.

Accordingly, Asano does not teach using a router to connect two different networks. Instead, Asano teaches that if the two networks are appropriate connectible using a router, then it would be advantageous to implement an address reporting device as disclosed. As a consequence, one of ordinary skill in the art would not have a reason to include a router in Prokupets to selectively enable communications between networks because nothing indicates that a router would, in fact, selectively enable communications between any two networks in Prokupets.

G. Conclusion as to Claim 1

It is therefore submitted that the obviousness rejection of claim 1 is in error for multiple reasons. For example, as discussed above, the proposed combination of Asano and Prokupets does not arrive at the invention because merely “including an isolating router” as proposed by the Examiner does not specify “an isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network, the isolating router comprising a router configured to receive and store data packets, and to forward the received data packets”, as claimed in claim 1. As also discussed above, there is no reason to incorporate a router between two networks in Prokupets because there does not appear to be two networks in Prokupets that could be connected via a router.

For at least these reasons, it is respectfully submitted that the rejection of claim 1 is in error and should be withdrawn.

III. Claims 2-7

Claims 2-7 also stand rejected as allegedly being obvious over Prokupets and Asano (and in some cases in view of additional art). Claims 2-7 all depend from and incorporate all of the limitations of claim 1. As discussed above, there is no reason to combine Prokupets and Asano such that the resulting arrangement arrives at the invention of claim 1. Even if the references were combined as proposed, they would not arrive at a device that includes an isolating router coupling a first network to a second network as claimed. For at least these reasons, as well as other reasons set forth above in connection with claim 1, it is respectfully

submitted that the obviousness rejections of claims 2-7 are in error and should be withdrawn.

IV. Claim 8

Independent 8 also stands rejected as allegedly being obvious over Prokupets and Asano. Independent claim 8 is directed to a data transmission system for use in a facility that includes:

an isolating IP router connecting said first [Ethernet] sub-network to said second [Ethernet] sub-network and operable to isolate said first network from data transmission traffic in said second network.

As discussed above in connection with claim 1, there is no reason to combine Prokupets and Asano such that the result includes a router to connect two different networks as there do not appear to be different networks in Prokupets. However, in contrast to claim 1, the Examiner has identified elements 26 and 30 as possible other workstations coupled by other networks. (July 2, 2008 office action at p.6). Accordingly, it would appear that the Examiner is alleging that the network between the fire system 22c and the server 12 (network 20) constitutes the first “sub-network” of Prokupets, and that the network between the server 12 and the database 26 and/or administration client 30 forms a second “sub-network” of Prokupets.

Thus, the Examiner appears to argue that one of ordinary skill in the art would have a reason to place a router between the fire system 22c and the database 26 or client 30 of Prokupets. In other words, it appears that the Examiner is alleging that one would replace the server 12 of Prokupets with a router. Applicants respectfully disagree.

One of ordinary skill in the art would *not* replace the server 12 of Prokupets with a

router. As discussed in previous office action responses, the server 12 executes applications that facilitate access of system data *stored in a database 14 within the server* to various network elements such as the database 26 and the client 30. (See Prokupets at ¶¶ [0037, 0039]). In other words, the database 26 and/or the client 30 do not interact directly with the fire system 22c such that the connection therebetween would include a router.

In particular, the server 12 Prokupets acts as a data server that coordinates the gathering and use of data from the systems 22a, 22b, 22c and 22d, which are then stored in a database 14. (*Id.* at ¶ [0021]). The server 12 allows other elements such as the database 26 and/or client 30 to access the database 14. Thus, the database 26 and/or server 30 are not effectively connected to the systems 22a, 22b, 22c and 22d at all. At best, the database 26 and/or server 30 are “connected” to the systems 22a, 22b, 22c and 22d at the *application layer*. Such a “connection” cannot be accomplished by replacing the application with “router”. A router merely routes packets without any processing or coordination of the data within.

Accordingly, there is no reason to replace the server 12 with an IP router because it eliminate the main function of the server 12, which is central to the system of Prokupets. One of ordinary skill in the art would have no reason to replace the server 12 with an IP router as appears to be proposed the Examiner.

For the foregoing reasons, it is respectfully submitted that the rejection of claim 8 over Prokupets and Asano is in error and should be withdrawn.

V. Claims 9-13

Claims 9-13 also stand rejected as allegedly being obvious over Prokupets and Asano (and in some cases in view of additional art). Claims 9-13 all depend from and incorporate all of the limitations of claim 8. As discussed above, there is no reason to combine Prokupets and Asano such that the resulting device arrives at the invention of claim 8. For at least these reasons, as well as other reasons set forth above in connection with claim 8, it is respectfully submitted that the obviousness rejections of claims 9-13 are in error and should be withdrawn.

VI. Claim 14

Independent claim 14 also stands rejected as allegedly being obvious over Prokupets and Asano. Independent claim 14 is directed to a data communication system that includes:

a first network and a second network connected by an IP router, the first network including a first plurality of work stations, the second network including a second plurality of work stations,

Similar to claim 1, the Examiner has not identified where elements of the claim may be found in Prokupets or Asano. In particular, the Examiner has not identified a “first plurality of work stations” as claimed. The Examiner has, however, identified the database 26 and the client 30 as the second plurality of work stations. (July 2, 2008 office action at p.4). Accordingly, it may be assumed that the first plurality of work stations includes the elements 18a-18e of Prokupets, although this is never alleged. The elements 18a-18e are connected to the client 30 and the database 26 via the server 12. Accordingly, with these assumptions, it is further assumed that the Examiner is proposing replacing the server 12 with an IP router.

As discussed above in connection with claim 8, there is no reason to replace the server

12 of Prokupets with the router of Asano because the router would not be able to carry out the operations of the server 12 of Prokupets.

For the foregoing reasons, which are similar to those discussed in detail above in connection with claim 8, it is respectfully submitted that the rejection of claim 14 over Prokupets and Asano is in error and should be withdrawn.

VII. Claims 15-20

Claims 15-20 also stand rejected as allegedly being obvious over Prokupets and Asano. Claims 15-20 all depend from and incorporate all of the limitations of claim 14. Accordingly, for at least the same reasons as those set forth above in connection with claim 14, it is respectfully submitted that the obviousness rejections of claims 15-20 are in error and should be withdrawn.

VIII. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'H. Moore', written over a horizontal line.

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